

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Christopher Leonard Olszowy and, )  
Anna Olszowy, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
Sheriff Wayne DeWitt and )  
Major Richard Driggers, )  
 )  
Defendants. )  
\_\_\_\_\_ )

C.A. No. 9:09-cv-01662-JMC

**OPINION & ORDER**

This matter is now before the court upon the Magistrate Judge's Report and Recommendation [Doc. # 82], filed on September 17, 2010, recommending Defendants' Motion for Summary Judgment [Doc. # 58] be granted on the basis that Plaintiffs have failed to present any evidence sufficient to give rise to a genuine issue of fact as to whether either of these two Defendants violated any of Plaintiffs' constitutional rights. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation without a recitation.

**STANDARD OF REVIEW**

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court

may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

### **DISCUSSION**

Plaintiffs Christopher Leonard Olszowy and Anna Olszowy are *pro se* litigants petitioning for relief under 42 U.S.C. § 1983. Specifically, Plaintiffs allege that Defendants failed to read Plaintiffs their *Miranda* rights or failed to allow them to seek legal assistance upon request while under interrogation in police custody. Plaintiffs further allege that Defendants threatened, harassed, used oppressive tactics, and forced Plaintiff Christopher Olszowy to convey ownership rights of certain personal property to Defendants.

After receiving the Magistrate Judge's Report and Recommendation on Defendants' Motion for Summary Judgment, Plaintiff timely filed objections. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Plaintiff's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate Plaintiff's claims. Therefore, after a thorough review of the Magistrate Judge's Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

It is therefore **ORDERED** that Defendants' Motion for Summary Judgment [Doc. # 58] is granted, and the Complaint is dismissed with prejudice. It is further **ORDERED** that all other pending motions in this case [Docs. # 66, 84, 86, 87, 96, 97, 100, 101, 107, 108, 109, and 110] are denied as moot.

**IT IS SO ORDERED.**

s/ J. Michelle Childs  
United States District Judge

December 29, 2010  
Greenville, South Carolina